

Appl. No. 10/676,457
Amdt. Dated June 3, 2005
Reply to Office Action of April 8, 2005

REMARKS

This is a full and timely response to the final Office action mailed April 8, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 11-18 are now pending in this application, with Claim 11 being the sole independent claim. Claims 11, 12, 14, and 16 have been amended, and Claims 1-10, 19 and 20 are canceled. No new matter is believed to have been added.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-18 and 20 were rejected under 35 U.S.C. § 112, first paragraph as allegedly incorporating new matter. Specifically, it is alleged that the recitation of "a single, unitary stop structure" in the independent claims is improper since this language is not found in the as-filed specification. This rejection is traversed.

It is generally well-known that the description, claims, and drawings together constitute the entire content of an as-filed patent application. Thus, reciting features in claims that are explicitly disclosed in either the description or the drawings does not constitute new matter. Here, at least FIGS. 4 and 5 of the as-filed instant application clearly and explicitly disclose a single, unitary stop structure as recited in independent Claim 11 (the only remaining independent claim). Thus, the rejection under 35 U.S.C. § 112 is wholly inappropriate.

Moreover, Applicant has further included support for this claim terminology by amending paragraph [0020] to recite this terminology. As just noted above, inclusion of this terminology in the specification is fully supported by the as-filed drawings and, therefore, does not constitute new matter.

In view of the foregoing, Applicant respectfully solicits reconsideration and withdrawal of the § 112, first paragraph rejection.

Rejections Under 35 U.S.C. § 102

Claims 1-18 and 20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 1,905,684 (Coffman) and 1,881,953 (Redding). This

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rejection is respectfully traversed.

Independent Claim 11 now recites, *inter alia*, (1) a valve body having an opening adapted to receive at least a portion of an actuator assembly therein, (2) a valve element disposed at least partially within the valve body, the valve element having a flow passage extending therethrough and an interface shaft extending therefrom, and (3) an actuator assembly including a housing and an output shaft, the housing having a valve interface section extending into the valve body opening, the output shaft engaging the interface shaft, the actuator assembly adapted to receive one or more position control signals and operable, in response thereto, to rotate the output shaft and thereby move the valve element between the open and closed positions.

Coffman and Redding reach relate to valve assemblies that include many of the features recited in independent Claim 11; however, these references do not disclose at least the above-noted features. Namely, neither Coffman nor Redding disclose, or even remotely suggest, at least a valve body having an opening adapted to receive at least a portion of an actuator assembly therein, a valve element having a flow passage extending therethrough and an interface shaft extending therefrom, nor an actuator assembly having a housing with a valve interface section that extends into the valve body opening and an output shaft engaging the interface shaft. Rather, Coffman and Redding both teach only a single shaft (e.g., valve stem 11) extending from the respective valve elements. Nowhere do either of these references disclose, or remotely suggest, an opening in the valve body adapted to receive a portion of an actuator assembly therein, an actuator housing valve interface section extending into the valve body opening, or an actuator output shaft engaging the interface shaft.

Since each and every element of independent Claim 11 is not disclosed or suggested, in Coffman and Redding, either solely or in combination, these references do not render independent Claim 11 obvious.

In view of the foregoing, reconsideration and withdrawal of the § 103 rejection is respectfully solicited.

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Conclusion

Based on the above, independent Claim 11 is patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

This Amendment was not earlier presented because Applicant earnestly believed the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment Pursuant to 37 C.F.R. § 1.116 is respectfully requested.

Moreover, entry and consideration of this Amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The Amendment overcomes all of the rejections and objections set forth in the above-noted Office Action. The present Amendment places the application in better form for appeal, which Applicant fully intends to pursue if necessary. The present Amendment does not raise new issues requiring further search or consideration. Therefore, entry and consideration of the present Amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 6/3/05

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